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01/02/2010

Attorney Docket No.: 0553-0510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Ryoji NOMURA et al.)
)
Serial No.: 10/590,568)
)
Filed: August 22, 2006)
)
For: Light Emitting Element And Light)
Emitting Device Having The Light)
Emitting Element)
)
Examiner: Dawn L. Garrett)
)
Art Unit: 1794)
)
Confirmation No.: 8574)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE C (AFTER FINAL)

Applicants have the following response to the Final Rejection of August 26, 2009 and Advisory Action of December 3, 2009, a one month extension of time being submitted herewith.

Claim Rejections – 35 USC §102

In the Final Rejection, the Examiner rejects Clams 1-8 under 35 USC §103(a) as being unpatentable over Nomura et al. (US 2005/0225236). This rejection is respectfully traversed.

It is respectfully submitted that Nomura is not prior art to the present application.

More specifically, Nomura was published on October 13, 2005 based on a U.S. filing date of